IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7618 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

and

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD MUNICIPAL CORPORATION

Versus

BINITA JAGDEEP JADAWALA

Appearance:

MR.M.V.PATEL for MR. MAULIN R.RAWAL for Appellant

MR NS SHETH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

and

MR.JUSTICE J.R.VORA

Date of decision: 13/02/2001

ORAL JUDGEMENT (Per : MR.JUSTICE M.R.CALLA)

1. Mr. N.S. Sheth appearing for the respondent has filed an affidavit dated 7th February, 2001 along with a copy of letter dated 15.3.2000 passed by the Assessment and Tax Collection Department of the Municipal Corporation of Ahmedabad. It has been stated in the above said affidavit that the Appeal has become infructuous in view of this letter dated 15th March, 2000 and the Appellant has accepted the Gross Rateable Value of Rs. 568/- as decided by the Small Causes Court at Ahmedabad in Municipal Valuation Appeal No. 891 of 1997. Whereas this First Appeal had been filed against the decision taken in Municipal Valuation Appeal No. 891 of 1997 by the Small Causes Court at Ahmedabad and now the Ahmedabad Municipal Corporation itself has issued the letter accepting the Order of the Small Causes Court, this Appeal does not survive and has become infructuous for all purposes.

2. Mr. N.S. Sheth has also produced before us a copy of the Affidavit of Binita Jagdeep Jadawala dated 7th February, 2001, on which he has made an endorsement that the Clerk of Advocate Shri Maulin Rawal refused to accept the copy on the ground that matter is on Board and this endorsement records that Mr. Sheth had personally telephonically conveyed the contents of this affidavit to Mr. Maulin Rawal on 7.2.2001. The copy of this affidavit of Binita Jagdeep Jadawala and the letter dated 15th March, 2000, passed by the Assessment and Tax Collection Department of the Municipal Corporation of Ahmedabad are taken on record. In this view of the matter, we find that this Appeal has become infructuous, the same is hereby dismissed as having become infructuous. No order as to costs.

(M.R. Calla, J.) (J.R. Vora, J)